

REMARKS

Prior to entry of this paper, Claims 1-30 were pending. Claims 1-30 were rejected. In this paper no claims are amended, canceled, or added. After entry of this paper, Claims 1-30 will be pending. For at least the following reasons, it is respectfully submitted that each of the presently pending claims is in condition for allowance.

Claim Rejections - 35 U.S.C. § 103

Claims 1-3, 5, 7, 9-14, 16, 18-23, 25 and 27-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Logan et al., U.S. Patent No. 7,380,126 (“Logan”) in view of Rhodes, U.S. Patent Publication No. 2003/0220978 (“Rhodes”), and further in view of Hallam-Baker, U.S. Patent Publication No. 2004/0205135 (“Hallam-Baker”). Applicants’ representative respectfully traverses these rejections.

Claim 1 recites, in part:

if the provided visual challenge is unresolved, disabling the client's outbound message usage until the visual challenge is resolved

Applicants’ representative agrees with the office action that Logan doesn’t teach this element. However, Rhodes also fails to teach or suggest this element. Instead, Rhodes discusses a Sender Verification Protocol (SVP) 104 interrupting or postponing delivery of email messages **that have already been sent** by mail server 122 (emphasis added).¹ Interrupting or postponing the delivery of a message that has already been sent is not the recited “disabling the client’s **outbound message usage**” (emphasis added).

¹ See Rhodes, paragraphs [0025], [0026], and [0049].

Moreover, there is no mechanism discussed in Rhodes to prevent mail server 122 from sending outbound messages, either by directly controlling mail server 122 or by issuing a challenge message to mail server 122.

First, Rhodes does not disclose a mechanism to directly prevent mail server 122 from sending outgoing messages. Rhodes's SVP 104 is located at client 113 or mail server 102, both of which merely receive email from mail server 122.² Rhodes does not discuss locating SVP 104 at mail server 122, which sends outbound messages. Therefore, as SVP 104 is not located on mail sever 122, SVP 104 cannot directly "disable the client's outbound message usage", as recited in Claim 1. Even if SVP 104 interrupts or postpones **delivery** of every email that was sent by mail server 122 to mail server 102, mail server 122 would still be enabled to **send outgoing emails** to other mail servers.

Rhodes also cannot indirectly prevent mail server 122 from sending outgoing messages by issuing a challenge protocol.³ A challenge protocol sends a challenge message to the mail server of an unknown sender.⁴ Even if SVP 104 will not deliver a particular message until the challenge message has been responded to, the challenged mail server can continue to send other messages by simply ignoring the challenge message. Therefore, Rhodes also fails to teach or suggest "if the provided visual challenge is unresolved, disabling the client's outbound message usage until the visual challenge is resolved" as recited in Claim 1.

Hallam-Baker also fails to cure the deficiencies of Logan. Instead, Hallam-Baker discusses "applying limits **on the rate** at which a sender can create emails" (emphasis added).⁵ An email account with a limited rate still sends email, and as such is not "disabled ... until the visual challenge is resolved" as recited in Claim 1. Therefore, even the suggested combination of Logan, Rhodes, and Hallam-Baker fails to teach or suggest "if the provided visual challenge is unresolved,

² See Rhodes, Figure 1 and paragraph [0026].

³ See Rhodes, paragraph [0014].

⁴ See Rhodes, paragraph [0037].

⁵ See Hallam-Baker, paragraph [0046].

disabling the client's outbound message usage until the visual challenge is resolved” as recited in Claim 1.

Independent **Claims 12, 21, and 30** include elements that are similar, albeit different, to those discussed above with regard to independent Claim 1. For at least the same reasons, the combination of Logan, Rhodes, and Hallam-Baker, does not teach or suggest these elements of these claims, especially when they are considered as a whole. Withdrawal of the previous rejection under 35 U.S.C. § 103(a) of these claims is therefore also respectfully requested.

So far as **Claims 2-3, 5, 7, 9-11, 13-14, 16, 18-20, 22-23, 25 and 27-29** depend respectively from independent base Claims 1, 12, and 21, these claims are not rendered obvious by the combination of Logan, Rhodes, and Hallam-Baker for at least the same reasons as independent Claim 1. Withdrawal of the rejections of these claims under 35 U.S.C. § 103(a) is therefore respectfully requested for at least these same reasons.

Claims 6, 8, 15, 17, 24 and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Logan, in view of Rhodes, Hallam-Baker and further in view of Wilson, U.S. Patent Publication No. 2004/0015554 (hereinafter “Wilson”). **Claim 4** was rejected under 35 U.S.C. 103(a) as being unpatentable over Logan, in view of Rhodes, Hallam-Baker and further in view of Burrows et al., U.S. Patent No. 7,149,801 (hereinafter “Burrows”). Applicants’ representative respectfully traverses these rejections.

So far as **Claims 4, 6, 8, 15, 17, 24 and 26** depend respectively from independent base Claims 1, 12, and 21, these claims are not rendered obvious by the combination of Logan, Rhodes, and Hallam-Baker for at least the same reasons as amended independent Claim 1. None of the other references address the deficiencies of Logan, Rhodes, and Hallam-Baker noted above. Withdrawal of the rejections of these claims under 35 U.S.C. § 103(a) is therefore respectfully requested for at least these same reasons.

CONCLUSION

It is respectfully submitted that each of the presently pending claims (Claims 1-30) are now in condition for allowance and notification to that effect is requested. Examiner is invited to contact the Applicants' representative at the below-listed telephone number if it is believed that the prosecution of this application may be assisted thereby. Although only certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentable. Applicants reserve the right to raise these arguments in the future.

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